IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No. 9763
ZAUDERER *et al.*	Art Unit: 1639
Appl. No. 09/818,991	Examiner: Ponnaluri, P.
Filed: March 28, 2001	Atty. Docket: 1821.0050004/EKS/HCC
For: **Methods of Producing a Library and Methods of Selecting Polynucleotides of Interest**	

Reply To Restriction Requirement And Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **February 25, 2003**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-10 and 22-109.[0001] This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **without** traverse.

The Office Action also required an election of species. Applicants hereby provisionally elect:

(a) expression of a suicide gene product (claims 1-10, 22, 26-30, and 43-109 are readable thereon),

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[0001] The Office Action stated that claims 89-109 were directed to a method of constructing a library. However, claims 89-109 depend ultimately from claim 1, and are actually directed to a method of selecting a target polynucleotide, which was placed into Group I. Thus, Group I comprises claims 1-10 and 22-109.

(b) osteoclast progenitor cell (claims 1-10, 22-50, and 54-109 are readable thereon),

(c) tissue culture plastic (claims 1-10 and 22-109 are readable thereon),

(d) tissue culture plate (claims 1-10 and 22-109 are readable thereon),

(e) cDNA library (claims 1-10 and 22-109 are readable thereon),

(f) a target polynucleotide that directly regulates osteoclast differentiation (claims 1-10, 22-50, and 59-109 are readable thereon),

(g) a suicide gene that encodes the Diphtheria toxin A subunit (claims 1-10, 22, 26-30, and 43-109 are readable thereon),

(h) tissue-restricted promoter (claims 1-10, 22-50, and 54-109 are readable thereon),

(i) osteoclast progenitor cell (claims 1-10, 22-50, and 54-109 are readable thereon),

(j) poxvirus vector (claims 1-10, 22-98, and 101-109 are readable thereon),

(k) vaccinia virus vector (claims 1-10, 22-98, and 101-109 are readable thereon),

(l) vaccinia virus p7.5 promoter (claims 1-10, 22-86, and 88-109 are readable thereon),

(m) vaccinia virus linear genome (claims 1-10, 22-98, and 101-109 are readable thereon),

(n) fowlpoxvirus as helper virus (claims 1-10, 22-105, and 107-109 are readable thereon), and

(o) vaccinia virus p7.5 transfer plasmid promoter (claims 1-10, 22-86, and 88-109 are readable thereon).

Claims that read on the species described in (q) and (r) of the Office Action were placed in Groups II, VI, VII, and VIII, which have not been elected herein. Thus, Applicants have not elected a species corresponding to those in (q) and (r).

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

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